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10/017,435	12/14/2001	Mark Phillips	2222.0820003	6756

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WASHINGTON, DC 20005

EXAMINER

WOZNIAK, JAMES S

ART UNIT	PAPER NUMBER
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2626

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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/017,435	Applicant(s) PHILLIPS ET AL.	
	Examiner James S. Wozniak	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-24 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the office action from 9/14/2006, the applicants have submitted an amendment, filed 3/14/2007, amending claim 1, while arguing to traverse the art rejection based on the limitation regarding the use of a generic dialog asset in a deployment environment (*Amendment, Pages 8-10*). The applicants' arguments have been fully considered, however the previous grounds of rejection are maintained due to the reasons listed below in the response to arguments.

Response to Arguments

2. Applicants' arguments have been fully considered but they are not persuasive for the following reasons:

With respect to **Claim 1** the applicants argue that Marx et al (*U.S. Patent: 6,173,266*) fails to teach or suggest "invoking in a development environment at least one generic dialog asset from a repository while furthermore invoking in a deployment the at least one generic dialog asset from that repository" (*Amendment, Page 8*). In support of such arguments, the applicants further state that the "dialog module templates themselves are only available during development of a service in Marx" (*Amendment, Page 8*).

In response, the examiner notes that the generic dialog instances in Marx (*i.e.*, *default dialog templates in the form of prompts, scripts, and vocabularies, Col. 17, Lines 7-19*) are utilized in a deployment environment. As is pointed out by the applicant, it would appear that a deployed voice application service in Marx can rely on customized service dialog module instances for invoking dialog assets (*Amendment, Page 9*), however, services also rely upon default (generic) dialog templates (*dialog instances in a service utilizing default baseline library settings that are not overridden, Col. 17, Lines 28-34*) in the form of *pre-recorded default prompts that are provided to a caller (Col. 4, Lines 41-43; and default apology prompts, Col. 20, Lines 42-57)*, default dialog configuration parameters (*Col. 6, Lines 53-60*), and default vocabularies (*example of an implemented service conformation step using a default vocabulary, Col. 9, Lines 40-46; example of a standard default vocabulary across different services for responses that tend to be the same, Col. 11, Lines 49-55; use of a completely defined default vocabulary, Col. 18, Lines 47-56*). As noted by Marx in the preceding cited passages, these default (*generic*) dialog module templates (*assets*) are available to an implemented service application when contacted by a caller, thus, the examiner notes that default dialog module templates from a default baseline library in a development environment are, in fact, invoked in a deployment environment.

In response to the applicants' arguments regarding "the baseline library in Marx is never utilized by a deployed application, nor are the dialog module templates" (*Amendment, Page 9*), the examiner points out that while the baseline library taught by Marx appears to be part of a development environment (*as is pointed out by the applicant, Amendment, Page 9*), an instance of the repository is invoked in a deployment environment in the form of default dialog module

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templates (see above) that are provided to a caller. Thus, Marx discloses the claimed limitation regarding deploying a generic dialog asset repository in a deployment environment.

The dependent claims are argued as further limiting rejected independent claims (*Amendment, Page10*). In response to such arguments, see the above response directed to Claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 3-11, and 16-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Marx et al (*U.S. Patent: 6,173,266*).

With respect to **Claim 1**, Marx discloses:

Utilizing at least one generic software component to develop a specific voice application, including invoking at least one generic dialog asset from a repository (*Col. 3, Lines 28-39; Col. 4, Lines 21-33; and Col. 6, Line 39- Col. 7, Line 3; an original predefined dialogue template used in a specific service, Col. 8, Lines 42-51; and dialogue template libraries and invoking default parameters in application development, Col. 17, Lines 7-20 and Fig. 8, Elements 810, 820, 830*);

Deploying the specific voice application in a deployment environment separate from the development environment (*development environment libraries and service environment library Fig. 8*), wherein the deployment includes an instance of the repository [*deployed services having default (generic) dialog templates from a baseline library (dialog instances in a service utilizing default baseline library settings that are not overridden, Col. 17, Lines 28-34) in the form of pre-recorded default prompts that are provided to a caller (Col. 4, Lines 41-43; and default apology prompts, Col. 20, Lines 42-57), default dialog configuration parameters (Col. 6, Lines 53-60), and default vocabularies (example of an implemented service conformation step using a default vocabulary, Col. 9, Lines 40-46; example of a standard default vocabulary across different services for responses that tend to be the same, Col. 11, Lines 49-55; use of a completely defined default vocabulary, Col. 18, Lines 47-56)]*]; and

Invoking the at least one generic dialog asset from the repository in the deployment environment (*utilizing a predefined default dialogue module in a specific voice application service, Col. 6, Lines 53-60; Col. 8, Lines 42-51; and Col. 17, Lines 21-54*).

With respect to **Claim 3**, Marx shows:

The deployment environment further comprises an application server (*computer containing the designed interactive voice application, Fig. 3*).

With respect to **Claim 4**, Marx recites:

The deployment environment further comprises a dialog control component (*Col. 6, Lines 61-64*).

With respect to **Claim 5**, Marx recites:

The deployment environment further comprises a dialog component (Col. 6, Lines 53-60).

With respect to **Claim 6**, Marx discloses:

The deployment environment further comprises a voice application services layer (Col. 6, Lines 23-30).

With respect to **Claim 7**, Marx discloses:

The deployment environment further comprises a rules integration layer (Col. 13, Line 59- Col. 14, Line 8).

With respect to **Claim 8**, Marx discloses:

The deployment environment further comprises a messaging layer (Col. 20, Lines 33-41).

With respect to **Claim 9**, Marx discloses:

The deployment environment further comprises a voice services layer (Col. 6, Lines 23-30).

With respect to **Claim 10**, Marx discloses:

The deployment environment further comprises a detail tracking layer (Col. 14, Line 47- Col. 15, Line 5).

With respect to **Claim 11**, Marx discloses:

The deployment environment further comprises an external system (Col. 5, Lines 49-67).

With respect to **Claim 16**, Marx discloses:

Utilizing one or more generic software components to develop a specific voice application further comprises utilizing one or more generic software components during a design

phase to develop a specific voice application (*combined dialog modules, Col. 4, Lines 21-33; and Col. 8, Lines 19-51*).

With respect to **Claim 17**, Marx recites:

The design phase further comprises a dialog design phase (*dialog module ordering to create a call flow, Col. 8, Lines 19-51*).

With respect to **Claim 18**, Marx recites:

The design phase further comprises a voice coding phase (*Col. 16, Lines 11-25*).

With respect to **Claim 19**, Marx discloses:

The design phase further comprises a rules definition phase (*Col. 20, Lines 17-32; Col. 13, Lines 59-67*).

With respect to **Claim 20**, Marx recites:

The design phase further comprises a phase wherein custom prompts are generated (*Col. 12, Line 43- Col. 13, Line 10*).

With respect to **Claim 21**, Marx recites:

The design phase further comprises a phase wherein custom grammars are developed (*Col. 17, Lines 35-42; and Col. 18, Line 47- Col. 19, Line 7*).

With respect to **Claim 22**, Marx discloses:

The design phase further comprises a phase wherein standard prompts are utilized to generate the specific voice user interface (*Col. 18, Lines 30-45*).

With respect to **Claim 23**, Marx discloses:

The design phase further comprises a phase wherein standard grammars are used to generate the specific voice user interface (*Col. 18, Lines 47-56*).

With respect to **Claim 24**, Marx discloses:

The design phase further comprises a system test phase (*Col. 14, Lines 9-24*).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2 and 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Marx et al in view of Uppaluru (*U.S. Patent: 5,915,001*).

With respect to **Claim 2**, Marx teaches the method for designing an interactive speech application as applied to Claim 1. Marx does not specifically suggest that a deployment environment for the speech application utilizes a voice gateway, however, Uppaluru teaches the use of a voice gateway in an interactive voice response system (*Col. 4, Lines 38-51; and Col. 6, Lines 6-46*).

Marx and Uppaluru are analogous art because they are from a similar field of endeavor in interactive voice response systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Marx with the voice gateway taught by Uppaluru to provide a means of accessing additional Internet data through an interactive voice response system (*Uppaluru, Col. 1, Line 39- Col. 2, Line 19; Col. 4, Line 38- Col. 5, Line 2*).

With respect to **Claim 12**, Marx further discloses a speech recognition engine (*Col. 7, Lines 29-46*). Also, Uppaluru teaches a voice command interpreter (*Col. 6, Lines 24-46*).

With respect to **Claim 13**, Uppaluru further teaches a telephone interface (*Col. 6, Lines 24-30*).

With respect to **Claim 14**, Uppaluru teaches a means for providing prompts to a user (*Col. 6, Lines 24-46*, while Marx teaches that prompts may be generated using a speech synthesizer (*Col. 18, Lines 30-45*).

With respect to **Claim 15**, Uppaluru teaches ASR implemented at a voice gateway (*Col. 16, Line 50- Col. 18, Line 15*).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Osder et al (*U.S. Patent: 5,493,606*)- discloses a system for Prompt management featuring static (generic) and dynamic prompt elements.

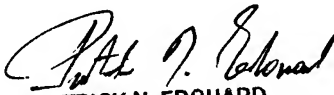
Bartholomew et al (*U.S. Patent: 5,631,948*)- discloses dynamic prompts in a voice application consisting of generic and user-specific portions.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached at (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
5/17/2007


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